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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/691,871	10/23/2003	Steven P. Schwinke	GP-303943	6741

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General Motors Corporation
Mail Code 482-C23-B21
300 Renaissance Center
P.O. Box 300
Detroit, MI 48265-3000

EXAMINER

KIM, WESLEY LEO

ART UNIT PAPER NUMBER

2688

DATE MAILED: 12/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/691,871

Applicant(s)

SCHWINKE ET AL.

Examiner

Wesley L. Kim

Art Unit

2688

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 October 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>12/12/03</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. Claims 18-19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The examiner is unclear as to what a call center is, to the examiner the phrase "call center" could be interpreted in multiple ways, i.e. a database, a mobile phone, a building where calls are received and sent. For the purposes of examination the examiner will interpret "call center" as being a mobile phone, which is capable of making and receiving calls, hence given the name, "call center".
2. Claims 18 and 19 recites the limitation "the range" in both claims multiple times throughout both the claim limitations. There is insufficient antecedent basis for this limitation in the claim. For the purposes of examination the examiner will assume the phrase "range of origin identifiers" was meant to be "group of origin identifiers".

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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1. Claims 1-3, 6-7, 9-11, 14-15 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mizikovsky (U.S. Patent 5559860) in view of Brennan (U.S. Patent 5903628).

Regarding Claims 1, 9, and 17, Mizikovsky teaches a method for operating a telematics unit (Col.3:63, i.e. mobile station) within a mobile vehicle (Col.3:64, i.e. vehicle), the method comprising: receiving an incoming call signal (Col.4:50-64), the incoming call signal including an origin identifier (Col.4:50-64); determining an answer mode (determination performed by caller ID processor) based on the origin identifier of the incoming call signal (Col.6:18-21 and Col.6:30-Col.7:38, response category that the user assigns to the assembled calling party identification data is the answer mode); initiating the answer mode responsive to the answer mode determination (Col.6:30-67, ringing, muting a ringing alert, and activating a voice mail device are a couple examples of initiating the answer mode responsive to the answer mode determination); however Mizikovsky **is silent on** operating the telematics unit based on the initiated answer mode.

Brennan teaches a controller in a telephone station comparing the incoming caller information with caller information in stored records (Col.3:19-24) and determining an answer mode (Col.3:32-37) and initiating the answer mode responsive to the answer mode determination and then operating the telematics unit based on the initiated answer mode (Col.3:48-Col.4:17, the telematics unit is

operated in one-way mode, two-way mode, or is left to ring until the user answers the call by pressing the answer button).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Mizikovsky, such that the telematics unit is operated based on the initiated answer mode, to provide a method for automatically connecting pre-selected callers for someone in a hands-busy situation (i.e. driving) or a handicapped individual.

Regarding Claims 2 and 10, the combination as discussed above teaches all the limitations as recited in claims 1 and 10, and Brennan further teaches the origin identifier is selected from the group consisting of: an automatic number identifier, and a digital signature (Col.3;19-24 and Fig.3;48, automatic number identifier is the telephone number and the digital signature is the name).

Regarding Claim 3 and 11, the combination as discussed above teaches all the limitations as recited in claims 1 and 10, and Brennan further teaches determining the answer mode comprises: determining a first answer mode when the origin identifier is within a predetermined group of origin identifiers (Col.3;19-67); and determining a second answer mode when the origin identifier is not within the predetermined group of origin identifiers (Col.4;4-17).

Regarding Claims 6 and 14, the combination as discussed above teaches all the limitations as recited in claims 3 and 11, and Brennan further teaches operating the telematics unit based on the second answer mode (Col.4;4-10, incoming call name and/or number not in list) comprises: directing

the incoming call signal to a user interface within the telematics unit (Col.4;4-10, unless an "answer" button on the user interface is pressed the call signal will not be connected to the telematics unit).

Regarding Claims 7 and 15, the combination as discussed above teaches all the limitations as recited in claims 6 and 14, and Brennan further teaches connecting the incoming call signal to the user interface within the telematics unit responsive to a user interface activation (Col.4;4-10, pressing the "answer" button will connect the incoming call signal with the user interface within the telematics unit).

2. Claims 4-5,8,12-13,16,18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mizikovsky (U.S. Patent 5559860) and Brennan (U.S. Patent 5903628) in further view of Park et al (U.S. Patent 6148212).

Regarding Claims 4 and 12, Mizikovsky and Brennan teach all the limitations as recited in claims 3 and 11, however the combination **is silent on** the telematics unit based on the first answer mode comprising directing the incoming call signal to a vehicle information controller within the telematics unit.

Mizikovsky teaches the first answer mode comprises directing incoming call signals to accessory devices (Col.6;51-55).

Park teaches directing the incoming call signal to a vehicle information controller (Col.3;30-45, call gets directed to the PUI (i.e. vehicle information controller)) within the telematics unit (Col.5;7-19, mobile phone(230) connected to vehicle information controller(250)).

It would have been obvious to modify Mizikovsky and Brennan, such that the telematics unit based on the first answer mode comprising directing the incoming call signal to a vehicle information controller within the telematics unit, such that different functions such as turning off the engine (or other theft-detering feature) can be activated without alerting the thief.

Regarding Claims 5 and 13, Mizikovsky and Brennan teach all the limitations as recited in claims 4 and 12, however the combination **is silent on** connecting the incoming call signal to the vehicle information controller within the telematics unit.

Park teaches connecting the incoming call signal to a vehicle information controller (Col.3;30-45, call gets directed to the PUI (i.e. vehicle information controller)) within the telematics unit (Col.5;7-19, mobile phone(230) connected to vehicle information controller(250)).

Regarding Claims 8 and 16, Mizikovsky and Brennan teach all the limitations as recited in claims 6 and 15, however the combination **is silent on** determining the user interface is not activated; and activating an electronic voice-mail system.

Park teaches a call is transferred to voice mail after a wireless telephone fails to accept the call (Col.4;22-30).

It would have been obvious to modify Mizikovsky and Brennan, such that upon determining the user interface is not activated; and activating an electronic

voice-mail system, to provide a method of answering the call via the voice mail system so the calling party may leave an audio message.

Regarding Claims 18 and 19, Mizikovsky and Brennan teach all the limitations as recited in claims 3 and 11, and Mizikovsky teaches the range of origin identifiers is a call center identified group of origin identifiers (Abstract;10-14, the origin identifiers (i.e. phone numbers) are stored (i.e. identified) in the mobile phone), and Brennan teaches wherein the incoming call signal is routed to a user interface if the origin identifier is not within the call center identified range of origin identifiers (Col.4;4-10), however the combination **is silent on** the incoming signal is routed to a vehicle communication unit if the origin identifier is within the call center identified range of origin identifiers.

Mizikovsky teaches the answer mode comprises directing incoming call signals to accessory devices (Col.6;51-55) if the incoming call is in an identified range of origin identifiers (Fig.2;110,112 are examples of groups of call identifiers).

Park teaches directing the incoming call signal to a vehicle information controller (Col.3;30-45, call gets directed to the PUI (i.e. vehicle information controller)) within the telematics unit (Col.5;7-19, mobile phone(230) connected to vehicle information controller(250)).

It would have been obvious to modify Mizikovsky and Brennan, such that the telematics unit based on the first answer mode comprising directing the incoming call signal to a vehicle information controller within the telematics unit,

such that different functions such as turning off the engine (or other theft-detering feature) can be activated without alerting the thief.

Response to Amendment

This Office Action is in response to amendment filed on 10/14/05.

- Claims 1-17 are in their original form.
- Claims 18-19 are newly added.
- Claims 1-19 are pending in the current office action.

Response to Arguments

Applicant's arguments filed 10/14/05 have been fully considered but they are not persuasive.

The applicant alleges/argues that Mizikovsky in view of Brennan fails to teach or suggest "determining an answer mode based on the origin identifier of the incoming call signal" as claimed in claims 1, 9, and 17.

- The examiner respectfully disagrees. Brennan teaches, in response to a callers phone number (i.e. origin identifier) matching one of those stored in a directory, determining the answer mode of the incoming call signal (Col.3;19-57 and Col.4;4-10, if the caller id matches then the phone will be answered in a handsfree mode (i.e. an answer mode) if the caller id does not match then the phone will just ring in a conventional fashion (i.e. another answer mode) until the user decides to answer).

The applicant alleges/argues that Mizikovsky in view of Brennan fails to teach or suggest determining a first answer mode when the origin identifier is within a

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predetermined group of origin identifiers and determining a second answer mode when the origin identifier is not with the predetermined group of origin identifiers as claimed in claims 3 and 11. Further, Brennan does not compare the received identifier to a range of identifiers, but rather a series of individual identifiers.

- The examiner respectfully disagrees. The examiner respectfully disagrees. Brennan teaches, in response to a callers phone number (i.e. origin identifier) matching one of those stored in a directory, determining the answer mode of the incoming call signal (Col.3;19-57 and Col.4;4-10, if the caller id matches then the phone will be answered in a handsfree mode (i.e. a first answer mode) if the caller id does not match then the phone will just ring in a conventional fashion (i.e. a second answer mode) until the user decides to answer).
- With respect to the argument/allegation that Brennan does not compare the received identifier to a range of identifiers, but rather a series of individual identifiers. The claims 3 and 11 of the present invention do not specify comparison of an identifier to a range of identifiers. Although the claims are interpreted in light of specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- U.S. Patent 6687587B2, Kacel, Method and System for Managing Vehicle Control Modules through Telematics.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

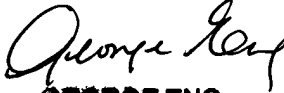
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wesley L. Kim whose telephone number is 571-272-7867. The examiner can normally be reached on Monday-Friday 9:00am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on 571-272-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

WLK


GEORGE ENG
PRIMARY EXAMINER